

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
AIKEN DIVISION

UNITED STATES OF AMERICA ) CR. NO.: 1:06-1254  
 ) 21 USC § 841(a)(1)  
vs. ) 18 USC § 922(g)(1)  
 ) 18 USC § 924(e)  
KELVIN BERNARD BADGER )  
a/k/a "K-Badge" )

**INDICTMENT**

**COUNT 1**

THE GRAND JURY CHARGES:

That on or about March 29, 2006, in the District of South Carolina, the defendant, **KELVIN BERNARD BADGER, a/k/a "K-Badge,"** having been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly did possess in and affecting commerce, a firearm, that is, a Glock model 22, .40 caliber pistol, which had been shipped and transported in interstate and foreign commerce;

In violation of Title 18, United States Code, Sections 922(g)(1), 924(a)(2) and 924(e).

**COUNT 2**

THE GRAND JURY FURTHER CHARGES:

That on or about April 22, 2006, in the District of South Carolina, the defendant, **KELVIN BERNARD BADGER, a/k/a "K-Badge,"** knowingly, intentionally and unlawfully did possess with intent to distribute a quantity of cocaine and 50 grams or more of cocaine base (commonly known as "crack" cocaine), both Schedule II controlled substances, and a quantity of marijuana, a Schedule I controlled substance;

In violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A), 841(b)(1)(C) and 841(b)(1)(D).

A \_\_\_\_\_ True \_\_\_\_\_ Bill

s/Foreperson  
FOREPERSON

s/Reginald I. Lloyd  
REGINALD I. LLOYD (jdr)  
UNITED STATES ATTORNEY

## **COCAINE**

21 USC 841(a)(1), (b)(1)(C) in a case involving less than 500 grams of cocaine and no prior felony drug conviction - a term of imprisonment of 20 years, no probation if death or serious bodily injury results, no parole, a fine of \$1,000,000 and a term of supervised release of at least three (3) years in addition to any term of imprisonment, plus a special assessment of \$100.

21 USC 841(a)(1), (b)(1)(C) in a case involving less than 500 grams of cocaine and one or more prior felony drug convictions - a maximum term of imprisonment of 30 years, no probation if death or serious bodily injury results, no parole, a fine of \$2,000,000 and a term of supervised release of at least six (6) years in addition to any term of imprisonment, plus a special assessment of \$100.

## **COCAINE BASE OR "CRACK" COCAINE**

21 USC 841(a)(1), (b)(1)(A) in a case involving 50 grams or more of cocaine base and no prior felony drug convictions - a minimum term of imprisonment of 10 years and a maximum term of life imprisonment, no probation, no parole, a fine of \$4,000,000 and a term of supervised release of at least five (5) years in addition to any term of imprisonment, plus a special assessment of \$100.

21 USC 841(a)(1), (b)(1)(A) in a case involving 50 grams or more of cocaine base and one prior felony drug conviction - a minimum term of imprisonment of 20 years and a maximum term of life imprisonment, no probation, no parole, a fine of \$8,000,000 and a term of supervised release of at least ten (10) years in addition to any term of imprisonment, plus a special assessment of \$100.

21 USC 841(a)(1), (b)(1)(A) in a case involving 50 grams or more of cocaine base and two or more prior felony drug convictions - a mandatory term of life imprisonment, no probation, no parole, a fine of \$8,000,000, plus a special assessment of \$100.

## **MARIJUANA**

21 USC 841(a)(1), (b)(1)(D) - in a case involving less than 50 kilograms of marijuana and no prior felony drug convictions - a maximum term of imprisonment of 5 years, a fine of \$250,000, and a term of supervised release of at least two (2) years in addition to any term of imprisonment, plus a special assessment of \$100.

21 USC 841(a)(1), (b)(1)(D) - in a case involving less than 50 kilograms of marijuana and one or more prior felony drug convictions - a maximum term of imprisonment of 10 years, a fine of \$500,000, and a term of supervised release of at least four (4) years in addition to any term of imprisonment, plus a special assessment of \$100.

## **Possible penalties for 18 USC 922(g)(1):**

18 USC 924(a) - a maximum term of imprisonment of ten (10) years, a fine of \$250,000 and a term of supervised release of at least three (3) years in addition to any term of imprisonment, plus a special assessment of \$100.

## **If the defendant has at least 3 prior convictions for a violent felony or serious drug offense:**

18 USC 924(e) - a mandatory minimum term of imprisonment of fifteen (15) years and a maximum term of imprisonment of life, a fine of \$250,000 and a term of supervised release of not more than five (5) years in addition to any term of imprisonment, plus a special assessment of \$100.